

***OS REGISTRY
FILE** Legal 3

Proposed EO to
replace EO-11807

AUG 17 1979

Honorable Stansfield Turner
Director
Central Intelligence Agency
Executive Office Building
Washington, D.C. 20505

Dear Admiral Turner:

In March the Department of Labor submitted to OMB a proposal for a new Executive order on federal workplace safety and health. OMB circulated the proposal to you and other agencies for comment.

Many agencies, including a large number of smaller ones, did not object to the proposal. Some agencies objected strongly to some provisions. Most serious objections were to the provisions that would authorize DOL to establish mandatory program regulations, conduct unannounced inspections in other agencies, and respond to employee reports of hazards. A number of agencies objected to a provision that would make them responsible for conditions they believe are controlled by the General Services Administration.

In July DOL revised its proposal. OMB chaired a meeting on July 30 of representatives of agencies who had made substantial comments on the first DOL proposal. Enclosed is an OMB revision of the DOL draft.

The revision contains language on several issues about which DOL and other agencies have disagreed: applicability of OSHA standards, DOL authority to regulate program structure and procedures, DOL authority to inspect other agencies, and concerns about security. It omits the proposal DOL made for including military personnel in the order. Because the Civil Service Reform Act and the Inspector General Act contain protections for whistle blowers, the OMB revision omits the additional protections DOL has proposed. The revision also reflects some of the recommendations in the draft final report of the Interagency Task Force on Workplace Safety and Health.

Where you have a disagreement, suggestions of alternative language must be provided. We would be especially interested in alternative language you may want to suggest for the provisions in the OMB revision on OSHA standards applicability, inspections in response to worker complaints, and the need for surprise inspections.

Please also comment on the effectiveness of existing provisions under the Inspector General Act of 1978 and the Civil Service Reform Act for the protection of workers who report safety and health hazards. Are additional protections necessary in the proposed order?

On behalf of the Director of the Office of Management and Budget, I would appreciate your policy level comments (and specific Executive order language where appropriate) by Tuesday, August 21, 1979.

Sincerely,

A handwritten signature in cursive script that reads "William M. Nichols".

William M. Nichols
General Counsel

Enclosure